

# **Student Complaints Policy and Procedure**

## **2020-21**

This Policy is available on the University of Cumbria website. Any printed copies are uncontrolled and cannot be guaranteed to constitute the current version. This Policy should be read in conjunction with the 'Student Complaints Procedure' available with documents referred to in this procedure from <https://my.cumbria.ac.uk/Student-Life/Support/Responding-to-your-concerns/Complaints-Procedure/> Please also refer to the 'Student Charter' [www.cumbria.ac.uk/studentcharter](http://www.cumbria.ac.uk/studentcharter).

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## STUDENT COMPLAINTS POLICY

### Introduction, aims, objectives and principles

- 1.1 The University of Cumbria is committed to the provision of high quality academic courses and supporting services for all its enrolled students. However, we do recognise that things can sometimes go wrong and we do want the opportunity to consider student's concerns.
- 1.2 We encourage and advise students to seek early resolution wherever possible by raising concerns locally ie: directly with the person, academic programme team or service concerned as soon as they arise.
- 1.3 Students are invited to say what remedy they would like to be considered if their complaint is upheld, partially or fully. Any remedy offered:
  - Is at the discretion of the investigating officer
  - Will be proportionate and relevant to the points of the complaint that have been upheld
  - May differ from that suggested by the student.
- 1.4 The University expects that all those involved in the submission and consideration of a complaint should act reasonably and fairly towards each other and treat the process itself with respect. Unacceptable behaviour may result in disciplinary actions and/or the University applying relevant restrictions. Students will be informed of any such decision and will be provided with information about how this decision can be reviewed.
- 1.5 By submitting a complaint, students are agreeing that the University can process, use and share information it contains to enable the complaint to be considered. Information may be disclosed to any person who has a need to see it in order for the complaint to be fully investigated. Information may also be shared with relevant people after a complaint to facilitate actions and recommendations after investigation. Information will be stored and processed in accordance with the University's registration under the Data Protection Act (1998).

### 2. Information, support, advice and guidance for students

- 2.1 Information for students about the Student Complaints Policy and Procedure is available online: (<https://my.cumbria.ac.uk/Student-Life/Support/Responding-to-your-concerns/Complaints-Procedure/>). Information includes guidance on early resolution, informal and formal approaches.
- 2.2 **Students' Union:** The Students' Union offers an independent source of information, advice and guidance. Information about the Students' Union Student Support Team can be found online: <http://www.uosu.me/support>. We would strongly encourage students to contact the SU if they are considering making a complaint.
- 2.3 **Students with a disability/specific learning difficulty:** Students with an assessed or confirmed disability and/or specific learning difficulty may be offered reasonable adjustments to assist them during the Complaints Procedure. Adjustments will be relevant to the disability and/or specific learning disability. Students with mental health conditions can seek support from the University's Health and Wellbeing team as they prepare and progress with a complaint.
- 2.4 If at any time, a student with a disability or mental health condition is unable to engage with the Complaints Procedure, consideration will be given to putting the procedure on hold until support has been accessed.
- 2.5 Staff involved in considering a complaint may liaise with colleagues in the University's Disability Team to ensure appropriate adjustments are offered or to seek relevant information to help inform decisions.

### 3. Scope and timescales of the Student Complaints Policy

- 3.1 Students enrolled with the University of Cumbria can use the Student Complaints procedure:

- A) To express their discontent about:
- An action or lack of action on the part of the University.
  - The delivery of a course of study\*.
  - The delivery of a service provided by the University\*.
- \* This includes concerns about:
- About a placement/practice experience. NB: The complaint may be referred to an appropriate manager at the placement for investigation under that organisation’s procedures.
  - Relating to the performance of a University staff member.
- B) Within 3 months of the concerns coming to light.
- C) As a group to raise a common concern; a response will normally be made to an agreed representative of the group. Students should read and follow the guidance online about making a group complaint.
- D) Where an Academic Appeal is made on the grounds of alleged “*Unfair treatment or discrimination... as part of the assessment process*” (Section 2 1.3.1 (iii) and Section 5 of the ‘Formal Notification of Academic Appeal’ form). These concerns will be considered through the Student Complaints procedure, not the Academic Appeals Procedure, and will be subject to the same eligibility assessment and potential investigation steps as any complaint.
- E) Former students may also make a complaint providing it is made within three months of the end of the enrolment and is in line with the scope above.
- F) Complaints withdrawn by a student will be considered closed. The University will not normally consider previously withdrawn complaints that are resubmitted, except in exceptional circumstances.
- G) We will not normally consider a complaint sent by a third party (eg: family member, partner, representative) on behalf of a student.

#### **H) Higher Level Apprentices**

- i) If you have a concern or complaint about any aspect of your Apprenticeship, please contact/speak with your personal tutor at the University in the first instance (reference to your Commitment Statement). You can follow the steps outlined above.
- ii) If you are not content with the outcome of your complaint once it has been through all the internal steps available to you through your employer’s procedure and the University’s complaint review, or if you want some help or advice, you may also contact the Skills Funding Agency:
  - Web address: <https://www.gov.uk/government/organisations/skills-funding-agency/about/complaints-procedure>.
  - Email [complaintsteam@sfa.bis.gov.uk](mailto:complaintsteam@sfa.bis.gov.uk) or
  - In writing by post to The Skills Adjudicator, The Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry CV1 2WT

Please check the Skills Funding Agency website for currency of contact details which can be subject to changes from time to time.

#### **I) Partner institutions**

- i) Where in line with Partnership Arrangements, the University can consider a complaint from a student enrolled with a Partner institution. This will normally be when the complaint has been considered through the Partner’s Complaints procedure and the student is not content with the outcome.
- ii) To be in scope, complaints must relate to the quality of the delivery of the course of study.

iii) These complaints should be submitted within 10 working days of the date the outcome was notified to the student, to: [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk). Students will be advised of the steps to be taken on receipt by the University.

J) **Accommodation Code of Practice** Students may use this separate procedure to lodge complaints against the University in relation to the Accommodation Code of Practice. The Code can be viewed online: <http://www.universitiesuk.ac.uk/acop/>. Complaints can also be submitted to the Compliance team to be passed to the Accommodation team.

#### **K) Concerns out of scope of the Student Complaints Policy**

i) The Student Complaints Policy and Procedure may not be used for the following:

- × Admissions complaints
- × Anonymous complaints
- × Examination and assessment performance and outcomes
- × Freedom of Information
- × Process or content of an established University policy or procedure
- × Reporting of negative or critical feedback
- × Students' Union
- × Third Party complaints

Please see Appendix B for further details of how concerns relating to the above are addressed.

#### **4. Vexatious or frivolous complaints**

4.1 No student raising a complaint in good faith, whether successful or otherwise, should be treated less favourably or disadvantaged in any way. If evidence is found to suggest unfair treatment as a result of a complaint, appropriate actions will be taken.

4.2 The University reserves the right to terminate consideration of a complaint if it becomes clear that it is vexatious or frivolous. In these cases, the student will be notified by letter, outlining why the complaint is terminated and explaining the right of appeal. Vexatious or malicious complaints may result in disciplinary action.

#### **5. External redress – the Office of the Independent Adjudicator**

5.1 Students may make an application to the Office of the Independent Adjudication for Higher Education (OIA) when all internal steps in the complaints procedure have been exhausted. A Completion of Procedures letter will be issued where applicable, explaining what steps have been taken, how decisions have been reached and actions the student can consider externally.

5.2 Information relating to the OIA is also available at any time via: [www.oiahe.org.uk](http://www.oiahe.org.uk).

#### **6. Disability Discrimination, Equality and Diversity; Impact Assessment Statements**

6.1 The University values equality and diversity and is committed to maintaining an environment where its employees, students and visitors are treated fairly and with respect at all times. It aims to ensure that its actions and working practices comply with both the spirit and intention of the Human Rights Act (1998) and the Equality Act (2010) which relates to the protected characteristics of age, disability, gender reassignment, marriage & civil partnerships, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

6.2 The Student Complaints Policy and Procedure and their implementation are monitored in line with relevant legislation for their impact on different groups categorised. This provides a check on whether there are any differences in use of the procedures and allows the University to assess whether these differences have an adverse impact on any particular group and take appropriate action where required.

6.3 Further information regarding disability discrimination may be sought from the University’s Equality, Diversity and Inclusion Manager.

**7. Records Management Statement**

7.1 Records associated with this policy are controlled by the Student and Academic Administration Service and will be created, stored and disposed of in line with the University’s Records Management guidelines and procedures.

7.2 The University is committed to complying with the requirements of Data Protection legislation and regulations and any personal data created as part of this policy will be processed in accordance with the University’s Data Protection Act procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed.

7.3 The University also aims to ensure that users of this policy are aware of Data Protection, Freedom of Information and Records Management issues associated with this policy.

**8. Policy Review and Reporting**

8.1 The Student Complaints Policy and Procedure are monitored annually and amendments can be made to reflect changes in legislation and good practice as appropriate and ensure clarity. An annual report is submitted to Academic Board, reporting on the use of this policy and accompanying procedure. Full review normally takes place triennially.

**9. Risk Management Statement**

9.1 Failure to comply with this policy could lead to an increased level of student dissatisfaction. This policy is in place in order that students can raise legitimate concerns about the provision and delivery of a programme of study and/or University service.

9.2 Complaints that are upheld can help to maintain good standards and enhance the quality of provision where required, encouraging positive feedback through the National Student Survey.

<b>POLICY SCHEDULE</b>	
Policy title	Student Complaints Policy
Policy owner	Student and Academic Administration Service (SAAS)
Policy lead contact	Justine Bigland, Assessment, Awards and Compliance Manager, SAAS
Approving body	Academic Board
Date of approval	July 2011
Date of implementation	July 2011 (first introduced Sept 1999)
Version no.	7iii – Refreshed September 2017. 7ii – Revised August 2016 to reflect changes to service titles. 7 – Revised August 2015. Mapping against QAA Codes of Practice, Office of the Independent Adjudicator “The good practice framework for handling complaints and academic appeals” and the Consumer Rights Act 2015
Related Guidelines, Procedures, Codes of Practice etc.	Student Complaints Procedure
Review interval	3 years. Next formal review due 2017-18 for implementation September 2018.

## STUDENT COMPLAINTS PROCEDURE

### 1. Introduction

- 1.1 The Student Complaints Procedure explains the ways in which you as a student enrolled with the University can raise concerns or complaints and the steps the University will normally take to respond.
- 1.2 Please consider the information outlined in the Student Complaints Policy, noting in particular the scope and timeframes in Section 3.

### 2. Early Resolution

- 2.1 Early Resolution is encouraged wherever possible with the aim of reaching a speedy conclusion as they can be raised at a local level with a relevant member of University staff.
- 2.2 Concerns:
  - a) Should be raised at the earliest opportunity, ideally within 1 month and no more than 3 months after your concerns arise.
  - b) Can be raised verbally, by phone or in writing (by email or letter).
  - c) Can be raised with a range of University staff as relevant to the concerns. This might include, for example:
    - Personal Tutors, Programme Leaders, Principal Lecturers
    - Student Representatives who can raise concerns at Staff/Student Forums, where there are concerns about course delivery
    - Service Managers.

### 3. Writing your complaint – your responsibilities

- 3.1 You must provide evidence in support of your complaint when you first raise it. This is your responsibility to do. Your complaint can be written as an email or via a Student Complaint Form, which also offers some additional guidance about making your complaint. Your complaint can be emailed to the Compliance Team: [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk).
- 3.2 You are advised to speak with the Students' Union for advice and guidance about making your complaint. Their contact details can be found online: <http://www.ucsu.me/support>.
- 3.3 If you have a declared disability or specific learning difficulty, you can also talk with your Adviser if you would like assistance in forming your complaint. You can also contact the Compliance Team to identify any reasonable adjustments that we can put in place to assist you during the Complaints Procedure.

### 4. Eligibility Assessment

- 4.1 When your complaint is received, the Compliance Team will make an Eligibility Assessment to ensure it meets the scope and timeframes explained in Sections 3 of the Policy. This will normally be completed within 10 working days from the receipt of your complaint.
- 4.2 The Compliance Team may invite you to provide additional information or evidence as part of the initial eligibility assessment but you should be aware that this may extend the timescales.

### 5. Considering your complaint

- 5.1 At the end of the eligibility assessment, you will be advised about the steps that can be taken. These will include, but are not limited to passing your complaint to:
  - The relevant manager (academic programme or service) to consider and respond to
  - An independent Investigating Officer to carry out a formal Complaint Investigation



- 5.2 If your complaint is very complex, we may recommend that we arrange a Complaint Hearing where a Committee will consider your complaint. You will receive further information about how this will be facilitated if felt to be appropriate.
- 5.3 Regardless of how your complaint is considered, you will:
- Be involved in the process
  - Normally have the opportunity to meet or speak to the person looking into your concerns
  - Receive a written (email) response to your concerns, with details of how decisions have been reached when a formal Complaint Investigation has taken place.
  - Have the opportunity to request a Complaint Review if you are not content with the outcomes, subject to grounds.
- 5.4 The Compliance Team may also refer your concerns to an alternative procedure/process, for example, Student Code of Conduct, Human Resources, Academic Appeal for consideration. You will be advised if this is required.
- 5.5 If your complaint is not eligible for consideration, you will be given the reasons in writing (by email). Complaints are normally ineligible if, but not limited to:
- i. You have not provided evidence to support your complaint
  - ii. Your complaint relates to events or concerns that date back more than 3 months and you have not provided a reason why you could not complain sooner
  - iii. Your complaint is not related to the scope of the Student Complaint Policy
  - iv. You have already received a response to your concerns (eg: an attempt at early resolution directly with the service or programme team) and have been unable to offer any evidence or reason why your complaint requires further consideration.

## **6. Eligibility Review Request**

- 6.1 If you are informed that your complaint is not eligible for consideration, you may be able to request an Eligibility Review if you can meet one or more of the following grounds:
- i. You can show that your complaint is in the scope of the Student Complaints Procedure as explained in Section 3 of the Policy
  - ii. You can show that there is good reason why your complaint was submitted out of time and you were unable to offer the reason earlier
  - iii. You have new material evidence ie: information that might have the potential to change a decision is now available which, for valid reasons, you were unable to provide when you first submitted your complaint.
- 6.2 You should complete an Eligibility Review Request form and send it to the Compliance Team: [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk) within 10 working days of the date the eligibility assessment outcome is sent to you.
- 6.3 Your request will be considered by an impartial manager, normally from the Assessments, Awards and Compliance team. One of two outcomes will be reached from the eligibility review:
- 1) Your complaint will be assessed as eligible and will be considered using any of the steps explained in Sections 5.1 or 5.2 above.
  - 2) Your complaint will be confirmed as not eligible for consideration and the reasons for that decision will be given.
- 6.4 This will normally be completed within 10 working days from the receipt of your Eligibility Review request.

## **7. Complaint Review Request**

- 7.1 If your complaint has been considered and you are not content with the outcome, you can request a Complaint Review, subject to grounds. You should complete a Complaint Review Request form and provide evidence of one or more of the grounds:

- i. The Complaints Procedure was not correctly followed.
  - ii. You have new material evidence that you were unable to provide earlier. By material evidence, we mean information that might have the potential to change a decision, although this cannot be guaranteed.
  - iii. The remedy was not proportionate to the key points that were upheld.
- 7.2 If you received a response directly from the staff member you first contacted, you should attach your original complaint, copies of any correspondence between you and the staff member and a copy of the outcome to your Complaint Review request.
- 7.3 You should send the form with any attachments to the Compliance Team: [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk) within 10 working days of the date you were sent the outcome of your complaint.
- 7.4 Your Complaint Review request will be considered by an impartial manager in the Assessments, Awards and Compliance team who will assess whether you have provided evidence for the grounds you have identified. You may be contacted to discuss and clarify any aspect if needed.
- 7.5 There are two possible outcomes from the initial assessment of your grounds:
1. **Your complaint is eligible for a Complaint Review** as you have provided evidence to support the grounds identified. The exact steps taken in the Review will depend on the grounds but will normally be one of the following:
    - All or part of your complaint will be considered by a new investigating officer if the procedure has not been followed correctly
    - The part of your complaint relating to the new material evidence will be passed to the person who first considered your complaint. S/he will review their findings in light of that new evidence and update you.
    - Remedy can be reconsidered.

Eligibility for a Complaint Review does not guarantee any change to the outcomes of your complaint.

2. **Your complaint is not eligible for a Complaint Review.** You will be given the reasons in writing (by email). Requests for a complaint review are normally assessed as not eligible when, but not limited to:
    - You have not provided evidence that the complaint procedure has been applied incorrectly
    - You have not provided new information that makes a material difference to the decisions made in the original investigation or consideration
    - The remedy offered where a complaint has been partially or fully upheld is believed to be relevant and proportionate.
- 7.6 You will normally receive the outcome within 15 working days of date the Compliance Team receives your Complaint Review request.
- 7.7 The outcome of the Complaint Review will be the University's final decision about the complaint.

## 8. Partner institutions

- 8.1 If you are enrolled at an institution other than the University of Cumbria (and the University of Cumbria validates your award), you should use your own institution's Complaints Procedure in the first instance.
- 8.2 If you have exhausted your own institution's complaint procedure, you may be able to request a Complaint Review through the University of Cumbria Student Complaint Procedure
- 8.3 If you are not sure you can use to University of Cumbria's procedure, or you do wish to submit a complaint, please contact your own institutions complaints department or the University's Compliance Team: [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk).

## 9. Complaints involving other organisations or contractors who provide a service on behalf of the university

9.1 If your complaint is about an organisation that provides a service on behalf of the university, please contact that organisation directly. If you are unsure, you can ask us via [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk).

## 10. Summary of normal procedural timescales

10.1 Regardless of how your complaint is considered, we aim to provide you with an outcome at the earliest opportunity.

You should raise your complaint:	As soon as possible and no more than 3 months after the concerns arise
Where your complaint is raised through <a href="mailto:studentprocedures@cumbria.ac.uk">studentprocedures@cumbria.ac.uk</a> :	
You should normally receive the outcome of the initial eligibility assessment:	Within 10 working days of receipt of your complaint
You should normally receive the outcome of a referral to the relevant programme or service manager:	Within 15 working days of your complaint being referred to the manager
You should normally receive the outcome of a referral to a Complaint Investigation:	Within 20 working days of your complaint being referred to the Investigating Officer
You can request a Complaint Review, subject to scope:	Within 10 working days of the date you are sent the outcome of your complaint
You should normally receive the outcome of the Complaint Review request:	Within 15 working days of receipt of the request by the Compliance Team

## 11. External redress – the Office of the Independent Adjudicator

11.1 If you have exhausted all the internal options in the student complaints procedure, you may be eligible to make an application to the Office of the Independent Adjudication for Higher Education (OIA) for a review of your complaint.

11.2 An OIA “Completion of Procedures” letter will be issued when all internal steps of the procedure have been exhausted. The letter will set out the procedure used, steps taken and summarise decisions and outcomes. Specific details about the OIA will be included. Policies and procedures governing independent review are determined by the OIA.

11.3 You can request a Completion of Procedures letter even if you have not used all of the steps open to you in the procedure by contacting [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk). The letter will note what steps were taken and confirm that not all internal steps available under the Complaints Procedure have been exhausted. The Office of the Independent Adjudicator will advise you about any steps they may then be able to take.

You can read more information relating to the OIA online: [www.oiahe.org.uk](http://www.oiahe.org.uk).

## Appendix A: The Compliance Team and Students' Union

**The Compliance Team** is part of the Assessment, Awards and Compliance team within Student and Academic Administration Service and ensures each complaint is addressed in accordance with the policy and procedure outlined. This team doesn't investigate complaints but assesses the eligibility of complaints and identifies the most appropriate steps required to consider a complaint where eligible. The Compliance Team can also act as the point of contact for students and those staff with responsibility for investigating. The team has the authority to return the complaint as not eligible, to invite evidence to be provided, indicate a more appropriate procedure and inform the student of his/her right to appeal against this decision. A student can contact the team for information about the operation of the complaint procedure and may signpost the student to appropriate sources of information, advice and guidance via [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk).

**Students' Union:** Students are encouraged to discuss their concerns with the Students' Union which offers all students enrolled at University of Cumbria confidential support, advice, information and if requested, can accompany students to any meetings arranged under these procedures. Further information and contact details for members of the Students' Union Student Support Service team can be found on the Union's website: <http://www.ucsu.me/support>.

## Appendix B: Concerns not in scope of the Student Complaints Procedure

**Third Party complaints:** The University will not normally investigate a complaint made by a third party (eg: parent, partner, sibling, friend, Member of Parliament, legal adviser etc). The exception to this may be where the third party is nominated as a reasonable adjustment for a student with a disability or specific learning disability. The University may still request that there is signed consent from the student involved for the third party to represent them. Guidance on communications with a 3<sup>rd</sup> Party (where not nominated as the representative as described above) can be found on line: <http://www.cumbria.ac.uk/AboutUs/Services/VCO/DataProtectionThirdParties.aspx>.

**Anonymous complaints:** The University will not normally progress a complaint where the identity of the person making the complaint is not known or s/he does not wish to be named as this is likely to impede the investigation and any communications about the outcome. There may, however, be exceptional circumstances where the University deems it appropriate to take action or investigate a matter based on an anonymous report; these decisions will be made by a senior manager of the University.

**Reporting of negative or critical feedback** eg: in evaluation and review processes: These concerns can be reported via eg: student representatives (academic departments) or via the Students' Union.

**Examination and assessment performance and outcomes:** eg: where a student might seek to question the outcome of confirmed assessment or exam marks (ie: following a University Assessment Board) can consider the Academic Appeals Procedure: <http://www.cumbria.ac.uk/AboutUs/Services/AQS/AcademicReg.aspx>

**Admissions complaints:** Applicants should refer to the Admissions Appeals and Complaints Procedure via <http://www.cumbria.ac.uk/Courses/ApplicationsEnquiries/Enquiries/Documents.aspx>

**Freedom of Information:** Complaints should be referred to the Freedom of Information procedure via <http://www.cumbria.ac.uk/AboutUs/Services/VCO/FOI.aspx>

**Process or content of an established University policy or procedure:** Students are advised to contact the Students' Union for independent information, advice and guidance. Go to: <http://www.ucsu.me/support>.

**Students' Union:** These complaints should be referred to the Students' Union complaints procedure via <http://www.ucsu.me/>

Feedback and suggestions about processes or content of procedures is welcomed via [studentprocedures@cumbria.ac.uk](mailto:studentprocedures@cumbria.ac.uk). However, complaints where there is evidence that the procedure has not been applied correctly can be considered under the Student Complaints Procedure.

## Student Complaints Procedure 2020-21

<https://my.cumbria.ac.uk/Student-Life/Support/Responding-to-your-concerns/Complaints-Procedure/>

